

AO 245B Judgment in a Criminal Case - D. Massachusetts  
Statement of Reasons - Sheet 1

UNITED STATES DISTRICT COURT  
District of Massachusetts

UNITED STATES OF AMERICA  
V.

TARA M. O'BRIEN

STATEMENT OF REASONS

Case Number: 1: 99 CR 10326 - 001 - WGY

Francis DiMento

Defendant's Attorney



The court adopts the factual findings and guideline application in the presentence report.

OR



The court adopts the factual findings and guideline application in the presentence report, except (see attachment, if necessary):

Guideline Range Determined by the Court:



See Continuation Page

Total Offense Level: 12  
Criminal History Category: I  
Imprisonment Range: 18 to 24 months  
Supervised Release Range: 2 to 3 years  
Fine Range: \$ \$4,000.00 to \$ \$500,000.00

Defendant's Soc. Sec. No.: xxx-xx-7914

Defendant's Date of Birth: 58

Defendant's USM No.: 02286-038

Defendant's Residence Address:

07/21/04

Date of Imposition of Judgment

William G. Young  
Signature of Judicial Officer

The Honorable William G. Young

Chief Judge, U.S. District Court

Name and Title of Judicial Officer

July 22, 2004  
Date

Defendant's Mailing Address:

AO 245B Judgment in a Criminal Case - D. Massachusetts  
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DEFENDANT: TARA M. O'BRIEN  
CASE NUMBER: 1: 99 CR 10326 - 001 - WGY

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### STATEMENT OF REASONS

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:

OR

☒ The sentence departs from the guideline range:

☒ upon motion of the government, as a result of a defendant's substantial assistance, or

☐ for the following specific reason(s):

☐ See Continuation Page

1 THE COURT: Thank you.

2 THE DEFENDANT: Thank you.

3 THE COURT: Ms. Tara M. O'Brien --

4 THE DEFENDANT: Correct.

5 THE COURT: -- in consideration of the offenses of  
6 which you stand convicted, the information from the United  
7 States Attorney, your attorney, the probation office and  
8 yourself, this Court does depart downward and places you on  
9 probation for a period of two years, imposes upon you a  
10 fine of \$4,000, and a special assessment of \$300.

11 The special -- all the general conditions of  
12 probation apply. In addition, the following special  
13 conditions apply. You're prohibited from possessing a  
14 firearm or other dangerous weapon. You're to pay the  
15 balance of the fine according to a Court ordered repayment  
16 schedule. You're prohibited from incurring new credit  
17 charges or opening additional lines of credit. You're to  
18 provide the probation officer access to any requested  
19 financial information. The financial information provided  
20 may be shared with the Financial Litigation Unit of the  
21 United States Attorney's Office. You're to participate in  
22 a mental health program as directed by the United States  
23 Probation Office, and you're required to contribute to the  
24 costs of services for such treatment based upon your  
25 ability to pay.

1           If I did not already say there's a special  
2       assessment of \$300.

3           Let me explain that sentence. I appreciate your  
4       candor. I appreciate -- and I believe that now, after all  
5       this time, not that you didn't earlier, but you've had a  
6       long time to reflect on the seriousness of these criminal  
7       violations.

8           THE DEFENDANT: Yes, your Honor.

9           THE COURT: They are very serious.

10          THE DEFENDANT: Yes, your Honor.

11          THE COURT: They pose -- though in themselves they  
12       are not crimes of violence they, of course, give rise, they  
13       give the setting, they give the monetary resources that  
14       undergird extraordinarily serious crimes of violence which  
15       you are not liable for, but in a way, even unknowingly, you  
16       helped, have helped. And it's because of that that this  
17       sentence should be a more severe sentence. That it is not  
18       is for two reasons.

19          First, talking to you personally, I have carefully  
20       read this file, as I try to in every case, and given what  
21       the government says about what you have done that warrants  
22       my lowering the sentence.

23          THE DEFENDANT: Thank you, your Honor.

24          THE COURT: Second, I am one, and I say this  
25       institutionally, though I have been critical of these

1 so-called guidelines, I am one who has striven very hard to  
2 have the sentences meet the specific criminal conduct at  
3 issue. It is clear to me that another respected judge of  
4 this Court having given your father probation, there is no  
5 way in any sense of fairness that I can do other than give  
6 you probation, and that's the reason. I tell you candidly  
7 these crimes are generally too serious for probation. Too  
8 serious for probation even if you cooperate.

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: But in your particular circumstances  
11 that seems appropriate given the other criminal conduct at  
12 issue which has already been adjudicated here.

13 You're notified you have the right to appeal from  
14 any findings or rulings the Court makes against you.

15 That's the sentence of the Court.

16 THE DEFENDANT: Thank you, your Honor.

17 MR. DiMENTO: If your Honor please, may I have a  
18 clarification. I believe you said, I believe you said that  
19 the defendant is not to obtain credit during the period of  
20 her probation. As you know, she is a real estate broker  
21 and doing very well at it and that's what's making her so  
22 happy today, or part of what it is. But she does entertain  
23 clients and she does need the use of a credit card. I  
24 believe the tradition around here is to permit her to  
25 continue using her credit cart and to continue obtaining

1 credit so long as she is current with her fine and the  
2 special assessment obligations. There's no restitution  
3 order here.

4 THE COURT: No, there is not.

5 My specific language was she's prohibited from  
6 incurring new credit charges or opening additional lines of  
7 credit without the approval of the probation officer. If I  
8 did not make that clear, that's the language. I'm sticking  
9 with that language. It's under the supervision of the  
10 probation officer.

11 MR. DiMENTO: That's my problem. I didn't hear  
12 without the permission of the probation officer.

13 THE COURT: I might not have said it.

14 MR. DiMENTO: Oh, I'm sorry.

15 THE COURT: It was here in the materials I had. I  
16 don't fault you at all. So I clarify it. I now clarify  
17 the order.

18 MR. DiMENTO: And I thank you.

19 THE COURT: That's the order of the Court.

20 MR. DiMENTO: Thank you.

21 THE COURT: All right.

22 MR. KELLY: Thank you, your Honor.

23 (Whereupon the matter concluded.)

24

25